United Nations CRPD/C/KOR/Q/1/Add.1

Convention on the Rights of Persons with Disabilities

Distr.: General
27 June 2014

Original: English

Committee on the Rights of Persons with Disabilities
Twelfth session
15 September-3 October 2014
Item 5 of the provisional agenda
Consideration of reports submitted by States parties under article 35 of the Convention

List of issues in relation to the initial report of the Republic of Korea

Addendum

Replies of the Republic of Korea to the list of issues*

[Date received: 20 June 2014]

A. Purpose and general obligations (arts. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/KOR/Q/1)

1. The Constitution of the Republic of Korea stipulates that all citizens have the right to live as a human being. Article 34 (5) of the Constitution, in particular, sets out the State's protection for persons with disabilities. This provision is designed to specifically guarantee the fundamental rights of persons with disabilities, who are minority groups of society, through the State's obligation to protect them, instead of viewing them merely as objects of protection or dispensation. The Constitutional Court of the Republic of Korea established a precedent when it ruled that "as minority groups including persons with disabilities face difficulties in establishing conditions essential for exercising their right to freedom for themselves, the state shall establish and maintain those conditions on their behalf," affirming that article 34 (5) of the Constitution of the Republic of Korea is a provision to guarantee the fundamental rights of persons with disabilities. (Constitutional Court Decision, 2002*Hun-Ma*52, 18 December 2002).

2. The concept of disability is changing. Rather than putting emphasis on diseases, misfortune, or personal responsibility, the concept now stresses social discrimination, social responsibility, or active support. The Act on Welfare of Persons with Disabilities (AWPD)

* The present document is being issued without formal editing.

defines "a person with disabilities" as "a person whose daily life or social activity is substantially hampered by physical or mental disability," thereby including in the concept of disability one's limited participation in social activities due to impairment. The Anti-Discrimination against and Remedies for Persons with Disabilities Act (ARPDA) also defines "disability" as "a state where a physical or mental impairment or loss of function substantially limits an individual's personal or social activities for an extended period of time," thereby including in the concept of disability one's limited participation in social activities due to impairment.

3. Article 3 of the AWPD stipulates that its fundamental principle is to achieve the social inclusion of persons with disabilities through their full social participation and equality. Article 4 stipulates that "persons with disabilities shall be respected with human dignity and values and be treated as such," and invests them with rights to participate, as a member of the State, in all areas including politics, economy, society, and culture, and rights to preferably participate in the processes of policy decision-making concerning issues relating to persons with disabilities.

4. The above-mentioned Acts include in the concept of disability the guarantee of the full enjoyment of the right to life by persons with disabilities, the guarantee of their rights, their inclusion in society, their full social participation, and the realization of equality by emphasizing their rights to receive an education in regular schools and live in the community, increasing services to support their social activities, and developing small-sized and homelike residential facilities.

Reply to the issues raised in paragraph 2 of the list of issues

5. With the aim to guarantee the rights of persons with disabilities, the Korean Government included key tasks focused on promoting both political and social rights of persons with disabilities in the National Action Plan for the Promotion and Protection of Human Rights (2007-2011) so that such tasks could be carried out in a systematic and comprehensive manner at the national level.

6. Each ministry carried out tasks relating to persons with disabilities identified in the National Action Plan for the Promotion and Protection of Human Rights (NAP) (2007-2011). For instance, the prohibition of discrimination against persons with disabilities and the expansion of eligibility for disability benefits were undertaken by the Ministry of Health and Welfare; the guarantee of the voting right of persons with disabilities by the National Election Commission; housing support for persons with disabilities by the Ministry of Land, Infrastructure, and Transport; and the improvement of employment support for persons with disabilities by the Ministry of Employment Labor. The progress of the tasks was annually monitored at the National Human Rights Policy Council, which is composed of vice ministers or vice-minister-level officials, and the outcomes were made public.

7. The Korean Government implemented the NAP by legislating the prohibition of discrimination against persons with disabilities and laying a framework to assure their social participation and independent living, thereby producing the following achievements:

8. As follow-ups on the enactment of the ARPDA (April 2007), its enforcement decree was amended (May 2011) and promotional campaigns and education on the ARPDA were carried out. These efforts conduced to combating prejudices against persons with disabilities and forming positive images of them.

9. To guarantee the right to vote to the electors with disabilities, the Government placed almost all polling stations on the first floor and installed mobility improvement facilities, such as portable ramps, to provide easy access. Every polling station is furnished

with voting booths for persons with disabilities and assistive voting devices for persons with visual impairment.

10. During 2007-2011, the amount of and eligibility for disability benefits (benefits for children with disabilities) increased and expanded. In 2010, the Act on Pensions for Persons with Disabilities came into force to establish a new scheme to support income for persons with severe disabilities.

11. The Government ensured that some of the multi-household housing units (3 per cent) purchased by the Government for rental were used as group homes for persons with disabilities and that residences of persons with disabilities in rural areas were renovated. These efforts generated positive results such as the improvement of the housing environment of the low-income persons with disabilities and the promotion of independent living in the community.

12. To help persons with disabilities become financially independent, the Government increased the mandatory employment quota given to the central administrative agencies from 2 per cent to 3 per cent in 2009. (Please see paragraph 17 for more information on mandatory employment quota)

Reply to the issues raised in paragraph 3 of the list of issues

13. There had been ongoing discussions in the National Assembly to amend Article 732 of the Commercial Act that completely forbids an insane or mentally incompetent person from purchasing a life insurance policy. In order for Article 25 (e) of the Convention to be ratified by the National Assembly, several lawmakers put forward a resolution urging the Government to promptly submit a motion to ratify (10 March 2013).

14. As a result of these efforts, the Commercial Act was amended to allow mentally incompetent persons, who have the minimum level of self-defense capability and a high need for life insurance, to purchase a life insurance policy in 2014, and the amended Commercial Act is to come into force on 12 March 2015, a year after its promulgation.

B. Specific rights

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 4 of the list of issues

15. In the area of welfare for persons with disabilities, the pension system for persons with disabilities was introduced in July 2010 to support them with their income, thereby contributing to the stabilization of the livelihood of persons with severe disabilities. To help persons with severe disabilities live independently and to relieve family member caregivers of burdens, the Disability Care and Support System was introduced in October 2011, which has since then provided services to 50,000 persons. In 2012, the Act on Housing Support for the Underprivileged like Persons with Disabilities and Senior Citizens was enacted to expand housing services for persons with disabilities. Under the Act, 142 units were sold and 902 units were rented to persons with disabilities with special preference. Furthermore, the Government ramped up its efforts to relieve the families that have children with disabilities of specific burdens related to child-rearing by offering a wide range of support services for care, developmental rehabilitation, language development, etc. As of 2012, a total of 49,603 persons used these services. To enhance the accessibility of children with disabilities and their families to the programs, the number of service-providing institutions increased to 1,137 in 2012. In May 2014, the National Assembly passed the Act on the Bill of Rights and Assistance for Children with Developmental Disabilities intended to provide

services geared towards the specific needs of persons with developmental disabilities, which laid a legal framework for protecting their rights and providing more assistance programs for them and their families.

16. As regards the education and culture for persons with disabilities, the Government has broadened compulsory education programs for those eligible for special education pursuant to the Act on Special Education for Persons with Disabilities that came into force on 25 May 2007. In 2012, additional 1,520 special classes were organized in ordinary schools, and itinerant education was provided for 6,313 students eligible for special education. About 130,000 low-income persons with disabilities were given a culture card to receive assistance in enjoying culture and art such as movies, books, and performances. The Government offered a variety of personalized programs such as a barrier-free film festival to about 30,000 persons with severe disabilities who otherwise could not watch movies for themselves. It also adopted affirmative action measures such as a special admission program for persons with disabilities with a view to giving them more opportunities to acquire university education. The number of college students with disabilities who were admitted to a college through this program increased from 656 to 88 schools in 2010 to 834 to 122 schools in 2013. As of 2013, a total of 8,012 persons with disabilities were enrolled in a total of 337 colleges. Law schools that train judicial officers provide a special admission program through which a given number of students are selected among physically or financially disadvantaged groups (Article 23 of the Act on the Establishment and Management of Professional Law Schools and Article 14 of the Enforcement Decree of the Act).

17. In the field of the economic activities of persons with disabilities, the mandatory employment rate of central and local governments and public institutions was adjusted upward to 3 per cent, and that of private enterprises rose in gradually from 2.3 per cent in 2010-2011, to 2.5 per cent in 2012-2013, and to 2.7 per cent in 2014. The Government also strengthened the mandatory employment quota system by enforcing the double counting system for persons with severe disabilities, under which the employment of one person with severe disabilities is considered equivalent to the employment of two persons with mild disabilities, and by revamping the disability employment subsidy system. The tax reduction system for standard workplaces for persons with disabilities was also introduced to reduce 50 per cent of corporate and income taxes for businesses that employ a certain number of workers with disabilities. As a result, mandatory employment of persons with disabilities has improved.

18. Regarding the participation in society by persons with disabilities, the ARPDA, as amended in May 2010, stipulates that media outlets shall strengthen services for persons with disabilities and publishers shall provide more assistance services for them. The Road Traffic Act was amended in October 2010 to allow persons with hearing disabilities to obtain a Class I ordinary driver's license.

19. The Korean Government commissioned organizations related to persons with disabilities to carry out studies to identify existing laws and regulations that constitute discrimination against persons with disabilities and to recommend their modification or abolishment. On the basis of the findings of the studies, the Ministry of Health and Welfare requested that relevant government departments and local governments modify or abolish 81 cases of disability-discriminatory laws and regulations in March 2011 and in June 2012.

20. Under the National Human Rights Commission Act, the National Human Rights Commission of Korea (NHRC) is allowed to propose recommendations or express opinions on matters requiring investigation, examination, and improvement with respect to Acts and subordinate statutes, policies, and general practices relating to human rights, including bills in the legislation process. For example, in 2013, the Commission recommended that the Supreme Court provide reasonable accommodations for persons with visual disabilities at

the certified judicial scrivener examination; the Ministry of Justice devise measures to ensure that the adult guardianship system, which entered into force in July 2013, is operated in a way that the wards' right to make their own decisions is fully respected; and the Ministry of Security and Public Administration revises laws concerning public officials to prescribe the providing of workplace personal assistance as a reasonable accommodation to public officials with disabilities.

Reply to the issues raised in paragraph 5 of the list of issues

21. Any individuals who claim that they have been discriminated against on the basis of disability in violation of the ARPDA in various areas including employment, education, the provision of goods and services, and judicial and administrative procedures and services can file a petition with the National Human Rights Commission of Korea (NHRC) or file a lawsuit in court to seek a remedy for violations of equal rights. The NHRC was established in 2001 to eliminate all forms of the infringement of human rights including discrimination against persons with disabilities. The NHRC is composed of the Secretariat and five committees including the Disability Discrimination Remedy Committee and the Plenary Committee, of which members are human rights commissioners responsible for adjudicating filed cases and deliberating human rights issues. Under the Secretariat, the NHRC has two divisions that investigate individual complaints of disability discrimination and conduct ex officio investigations on disability discrimination under the ARPDA, and monitor the domestic implementation of the Convention. The rate at which respondent bodies implemented the remedies under the ARPDA is 95.1 per cent (312 cases) as of December 2013. (See table 1 and 2 for information on complaints received and processed by the NHRC)

22. According to Article 43 of the ARPDA, the Minister of Justice may issue an order for correction to the accused party upon a victim's request or *ex officio* if the accused party, having received a recommendation from the NHRC due to a discriminatory act, fails to comply with it without legitimate reasons, or if the damage thereof is deemed to be considerable and to have a material effect on the public interest. As a specific example, in a case where a claimant who had been dismissed by a public corporation on the ground of disability sought a corrective order, the Minister of Justice deliberated on the case and issued a corrective order in April 2010 demanding the head of the public corporation to reinstate the claimant and to receive an education on the human rights of persons with disabilities. In September 2012, the Minister of Justice also reviewed a local government's failure to fulfill the recommendations made by the NHRC and issued a corrective order demanding that the head of the local government, who was responsible for managing the underground passage in front of the railroad station and shops in the underground passage, install elevators to facilitate the mobility of persons with disabilities.

23. The ARPDA prohibits all forms of discrimination against persons with disabilities and includes judicial proceedings in key areas where discrimination against persons with disabilities is prohibited, thereby safeguarding their equality before the law. The central and local governments are taking appropriate measures including the provision of disability awareness education for public officials and communities. The Korean Government has been monitoring the implementation of the ARPDA since 2010 to ascertain if the ARPDA is abided by in all areas of society and to incorporate the monitoring results in devising policies to improve the implementation of the ARPDA. In 2013, the Government monitored whether educational institutions and small and medium enterprises were fulfilling their obligations to provide reasonable accommodations to persons with disabilities.

Reply to the issues raised in paragraph 6 of the list of issues

24. Induced abortions are completely prohibited pursuant to the Criminal Act (arts. 269 and 270), but the Mother and Child Health Act (Article 14) allows induced abortions only in exceptional cases such as rape or quasi-rape, incest, or significant risks to the mother's health.

25. The Korean Government amended the Mother and Child Health Act in July 2009 to prohibit induced abortions even if the mother suffered from seven diseases including genetic schizophrenia, genetic manic-depressive insanity, genetic amentia, genetic motor neuron diseases, hemophilia, and genetic mental disabilities that were believed to have remarkable criminal tendencies.

26. According to the Criminal Act, any individual who illegally commits induced abortions is punished by imprisonment for not more than ten years, and a doctor who illegally administers induced abortions is subject to the suspension of qualifications for not more than seven years.

27. The Korean Government has also continued its efforts to prevent illegal induced abortions and create a societal environment conducive to respecting life by formulating the Comprehensive Plans to Prevent Illegal Induced Abortions in February 2010.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 7 of the list of issues

28. The Korean Government is formulating and implementing the Basic Plan for Women's Policy as a five-year policy development plan for gender equality in accordance with Article 7 of the Framework Act on Women's Development. In its third plan (2008-2012), the Government carried out various initiatives to promote the rights of women with disabilities such as the adoption of a gender quota system under which a given quota of employment of women with disabilities is allocated to government committees concerning persons with disabilities; the provision of emotional and psychological support programs to promote the social participation of women with disabilities; the increase of the employment rate of women with disabilities (from 20.2 per cent in 2005 to 25 per cent in 2012); the introduction of the personal assistant system to help women with disabilities before and after their childbirth to protect their maternal rights; the empowerment of women with disabilities through the promotion of the basic learning skills for low-educated women with disabilities and the expansion of vocational training programs; and the establishment of more integrated counseling centers and protection facilities to deal with domestic violence, sexual assault, and family problems for women with disabilities to eliminate violence against women with disabilities and promote their welfare.

29. For the purpose of reinforcing the employment of women with disabilities, the Government adopted the disability employment subsidy system through which owners of businesses that hired women with severe disabilities after April 2010 are able to receive subsidies of 500,000 won per month.

30. To provide educational services for women with disabilities who could not gain opportunities to learn due to their disability and gender, in accordance with articles 7 and 9 of the Act on Welfare of Persons with Disabilities, the Government offers them courses on basic subjects such as Korean, basic English, and basic math; courses for qualification exams; basic course on computers; education on health and welfare including sex education; education in the humanities such as literature, writing, art, philosophy, and psychology; training on social adaptation and participation; course for employment preparation; and cultural experience programs.

31. With respect to the provision of health care services for women with disabilities, since January 2012, the Government has subsidized their childbirth by offering one million won per child to protect their maternal rights and relieve them of the burden of childbirth expenses. Since 2005, the in-home assistant service for women with disabilities has been provided by local governments. It is provided by 15 welfare centers for persons with disabilities in Seoul, and by one welfare center in each city and province.

32. The empowerment policies for promoting the participation of women with disabilities in society are implemented mainly by Harmony Centers for Women with Disabilities. These centers offer counseling services to resolve difficulties throughout the life cycle of women with disabilities, offer empowerment education necessary for them to engage in familial, societal, cultural, and economic activities, connect them to community-based resources, and render follow-up services. Since the designation of 20 centers in 2010, the number of centers has increased continues to increase.

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 8 of the list of issues

33. The Act on Welfare Support for Children with Disabilities was enacted to provide comprehensive support for children with special needs and relieve their families of child care burden. According to the Act, medical subsidies, care services, and family welfare support services are provided for children with disabilities aged less than 18. The National Center for Disabled Children and Developmental Disabilities was also established to investigate and study special services needed by children with disabilities and provide information and counseling services for their families.

34. As regards the respect for children's views, it has become common thanks to the advancement of information telecommunications technology that children with disabilities express their views and opinions freely and actively through the Internet and various social networking sites. The Family Litigation Regulation stipulates that all children should be given opportunities to express their opinions and that the expression of opinions by children aged 15 or older should be mandatory.

35. The Act on Welfare Support for Children with Disabilities contains provisions that prioritizes the support for the rights of children with disabilities, guarantees their rights to education and welfare, and ensures that free-of-charge compulsory education, free child care services, and universal health insurance services are provided for children with disabilities.

36. The National Center for Disabled Children and Developmental Disabilities was opened to undertake a broad range of projects for children with disabilities and their families. The center supports relevant studies and surveys, the development of self-help group facilitation manuals, investigation into abuse against children with disabilities, development of the case study system, and establishment of promotional and collaborative networks.

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 9 of the list of issues

37. The Korean Government has conducted public-awareness campaigns for the rights of persons with disabilities coupled with the enactment of the ARPDA. In promotional materials used in the disability awareness campaigns, disability is viewed from a social

model rather than a medical one and welfare services for people with disabilities are regarded as their right, not a dispensation.

38. With respect to the improvement of school culture, the Government has spread the culture of inclusive education throughout schools to raise awareness on disability among students, teachers, and school parents at ordinary schools and eliminate prejudice against persons with disabilities. It has also strived to help teachers at regular schools better understand disability through education on disability which used to be provided only to teachers of special classes or inclusive classes. It has become mandatory for elementary and secondary schools to provide awareness-raising education on persons with disabilities more than twice a year. Furthermore, in order to improve understanding of and awareness on disability, the Government provides a special class called "The First-hour Class of the Republic of Korea" to elementary school students on the International Day of Persons with Disabilities every year. It also produces films to help middle and high school students better understand disability and airs them on a public broadcasting system. The Government also provides various programs for students to raise awareness on disability, such as disability experience programs offered by the National Rehabilitation Center and welfare centers and programs for visits to residential facilities for persons with disabilities.

39. To raise public officials' awareness on disability, the Government has provided education on disability on a regular basis and distributed educational booklets to promote their understanding of disability. The National Police Agency, in particular, included education on the human rights of the disadvantaged, including persons with disabilities, in its on-the-job training courses as well as curriculum of educational institutions under the agency. Since March 2014, 16 district police agencies and 250 police stations nationwide have invited human rights experts from civic groups to provide police officers with education on the human rights of persons with disabilities.

40. With respect to the improvement of working environments for persons with disabilities, the Korean Government strived to raise awareness on disability by holding skills contests for persons with disabilities and various events to promote their employment and beefed up its efforts to encourage the general public and businesses to participate in various contests, employment promotion campaigns, and business information sessions. The Employment Promotion and Vocational Rehabilitation of Disabled Persons Act (EVDPA) mandates business owners to receive education to improve the recognition of persons with disabilities. The Korea Employment Agency for the Disabled (KEAD), an affiliated organization of the Ministry of Employment and Labor, visits workplaces or invites people to the KEAD in order to provide educational programs to raise awareness on persons with disabilities to business owners, HR personnel from companies, and workers without disabilities. The KEAD has developed the "EDI Happy Coexistence Program" to use in its awareness-raising activities.

41. Subject to the Mental Health Act (MHA), the NHRC has provided education on human rights for about 14,000 managers and staff of mental health facilities in four regions since 2009. In 2013, the NHRC also offered programs to develop instructors in human rights courses for the heads of mental health facilities and the personnel of disability organizations as well as programs to improve human rights sensitivity for public officials, who deal with disability, and the heads of residential facilities for persons with disabilities. Since 2007, the NHRC has also provided online self-managed educational programs on human rights to enhance human rights sensitivity. Online human rights courses related to persons with disabilities include "Disability Discrimination Prevention" and "Understanding of the Anti-Discrimination against and Remedies for Persons with Disabilities Act," which were taken by 8,407 persons and 2,320 persons, respectively, between 2007 and 2013.

Accessibility (art. 9)

Reply to the issues raised in paragraph 10 of the list of issues

42. The Act on Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women (APC) was enacted to guarantee the accessibility of persons with disabilities to the physical environment. The Act provides for detailed standards for the installation of assistive facilities to guarantee the accessibility of persons with disabilities such as ramps, elevators, and toilets designated solely for users with disabilities, and exclusive parking lots for persons with disabilities. The facilities subject to the APC are required to undergo a complete enumeration survey every five years. The Government issues corrective orders to facilities that fail to comply with statutory accessibility standards, requires them to submit improvement plans, and monitors the improvements they have made to enhance the accessibility of persons with disabilities.

43. The Mobility Improvement for the Transportation Disadvantaged Act (MITDA) was devised to guarantee the accessibility of persons with disabilities to public transportation services. This Act provides for the types of mobility improvement facilities, which should be installed in the means of transportation, such as vehicles, and passenger facilities, and their accessibility standards. For instance, vehicles need to be equipped with stop announcements, electronic signboards, wheelchair-boarding equipment, and priority seats for the transportation disadvantaged. The Government may issue corrective orders to transportation service providers who violate their obligations. If they fail to perform their obligations, the Government can impose a charge to compel compliance not exceeding 30 million won. Persons with disabilities who sustain any damage resulting from a transportation service provider's violation of the MITDA can receive restitution by lodging a petition with anti-discrimination organizations such as the NHRC in accordance with the ARPDA.

44. The Korean Government has enacted and published its own web content accessibility guidelines and a multitude of accessibility standards for information and communications. For instance, the Korean web content accessibility guidelines require multimedia content providers to offer alternative means such as subtitles, transcripts, and sign languages. Where public institutions and corporations fail to provide accessibility to their websites, persons with disabilities who sustain damages due to such failure can receive restitution by filing a petition with anti-discrimination organizations such as the NHRC in accordance with the ARPDA. Furthermore, the Korean Government conducts surveys on the actual conditions of web accessibility of public agencies to improve web accessibility. According to the findings of the survey conducted in 2013, central administrative agencies took the initiative in improving web accessibility. Aiming to lend weight to the web accessibility certification system that has been implemented to improve web accessibility, the Korean Government legislated the web accessibility quality mark with the result that credibility of the web accessibility certification has enhanced.

45. The State and local governments have supported the mobility of low-income persons with disabilities living in rural areas by renovating their house and providing convenience facilities. They make strenuous efforts to promote the convenience of the daily lives of persons with disabilities by subsidizing renovation and repair works required to install convenience facilities such as bathroom renovation, threshold lowering, the installation of auxiliary handles, and the height adjustment of kitchen sinks.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 11 of the list of issues

46. The Korean Government plans to newly establish a national safety agency to overhaul its disaster management system. In line with this move, the Government has strengthened all types of education and training on safety as preventive actions to ensure disaster risk mitigation. Furthermore, as preparedness measures against disaster, it has drawn up risk management manuals, carried out drills, registered and reviewed safety standards, and applied the concept of universal design during the disaster preparedness training to minimize any differentiation depending on users.

47. To that end, the Framework Act on the Management of Disasters and Safety, which is currently in the process of amendment, requires the Ministry of Security and Public Administration to undertake projects on disaster and safety management in consultation with the Ministry of Strategy and Finance. The Korean Government plans to actively identify and execute projects concerning disability-inclusive Disaster Risk Reduction. In the Framework Act on the Management of Disasters and Safety, which is currently in the process of amendment, new provisions had been created to the effect that where emergency measures are taken at the request of the head of a *Si/Gun/Gu* or the head of a regional control group, the head of a disaster management institution is required to preferentially consider persons with disabilities (Article37); and that where any disaster occurs or threatens to occur, the head of a disaster management institution may issue an evacuation order to people in danger zones by taking persons with disabilities into consideration (Article 40). However, those provisions were deleted during the review of the amendment because they were likely to cause problems with equity with pregnant women or the old and the infirm. As such, it will consider the transportation disadvantaged including persons with disabilities at subsequent amendment.

48. Article 24 of the Act on Welfare of Persons with Disabilities mandates that the State and local governments take necessary safety measures for persons with disabilities in the case of safety accidents such as falls due to disabilities and emergency disasters, including the establishment of evacuation passages for persons with hearing or visual disabilities and mobility-disadvantaged individuals, the installation of signs in Braille, audio guidance, and electronic signboards, and the establishment of an emergency notification system.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 12 of the list of issues

49. The Adult Guardianship System that entered into force in July 2013 following the amendment of the Civil Act is intended to minimize the limitation of the legal capacity of persons with disabilities by respecting their remaining capacity to the greatest extent possible and to enable them to make their own decisions with the support of their guardian. In this regard, the Adult Guardianship System is different from the existing incompetency and quasi-incompetency system, which uniformly restricts the legal capacity of persons with disabilities, in that the former honors the self-determination of persons with disabilities.

50. The Adult Guardianship System is provided in recognition and support of the fact that the protection and guardianship for the ward needs to be allowed to the minimum extent necessary and that persons with disabilities have the capacity to exercise their rights, including legal capacity, on an equal basis with persons without disabilities. The system is intended to make the best use of the remaining capacity of persons with mental disabilities

and respect their opinions and decisions to the fullest while allowing protection and guardianship for the ward to the minimum extent necessary.

51. The existing system for the protection of incompetent and quasi-incompetent persons has insufficient processes to reflect the ward's opinion in the stage of judgment. The new Adult Guardianship System respects the self-determination of persons with mental disabilities by requiring their opinions to be heard. Family courts make it a principle to examine persons with mental disabilities face to face to verify their opinions and sometimes resort to assistance from communication experts to accurately comprehend their opinions. These actions demonstrate that the Civil Act of the Republic of Korea was amended in a way to replace substituted decision-making by supported decision-making in respect for the remaining capacity and self-determination of persons with mental disabilities.

Access to justice (art. 13)

Reply to the issues raised in paragraph 13 of the list of issues

52. Article 26 (1) of the ARPDA prohibits public institutions, etc. from discriminating against persons with disabilities in providing judicial and administrative procedures and services required for persons with disabilities to have their life, body, or rights including property right protected and guaranteed.

53. The ARPDA mandates public agencies to provide reasonable accommodations that enable persons with disabilities to use judicial and administrative procedures and services on a substantially equal basis to persons without disabilities. The ARPDA also stipulates that a judicial public institution is required to identify whether an individual involved in a case suffers from disorders that may make it difficult for the said individual to communicate and express his/her opinion. In cases where the person is found to have disorders, the judicial public institution shall inform him/her of the availability for communication assistance and specific methods therefor.

54. Reasonable accommodations include documents in Braille, print-to-speech readers, sign language, reading by proxy, text-to-speech systems, and computers. The ARPDA, especially, mandates public agencies to provide the assistive personnel to ensure that persons with disabilities can enjoy services during the criminal justice process on a substantially equal basis to persons without disabilities.

55. Subject to Article 37 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes, it is provided that a statement assistant is allowed to participate in the interrogation for communication assistance during a court hearing concerning sexual crimes against persons with disabilities. In order to ensure that a statement assistant can take part in the hearing, public agencies are obliged to notify persons with disabilities that they can apply for the statement assistant system.

56. Courts are required to be furnished with brochures on judicial assistance for persons with disabilities, application forms for judicial assistance for persons with disabilities, notices on interpreting for persons with disabilities, and notices on lawsuit structure. Applications for judicial assistance are also required to be readily downloaded from the court website. For those with hearing disabilities, sign language interpretation (e.g., grammar-based sign language, informal sign language) or speech-to-text service is provided, in deference to their wish, throughout judicial proceedings. For persons with visual disabilities, the written judgment and correction order are served with a bar code scanner for text-to-speech system included, and an electronic file to use the screen reader is also provided.

57. Practical measures have been implemented to guarantee the access to justice of persons with disabilities in judicial criminal proceedings. Upon receipt of a petition of appeal, courts are required to serve a copy of this petition to the defendant, together with a brochure on judicial assistance for persons with disabilities, an application form for judicial assistance for persons with disabilities, and a guidebook on interpretation for persons with disabilities in order to promptly and accurately identify the type and degree of disabilities and notify the defendant with disabilities of the availability of judicial assistance and the methods of applying therefor.

58. The Supreme Court published the Guideline for Judicial Assistance for Persons with Disabilities in July 2013 and distributed it to judges and court staff nationwide. It also provides awareness-raising education programs on a regular basis to ensure that the above-mentioned judicial assistance is provided effectively during the trial and judicial procedures. With the view to enhancing the access to justice by persons with disabilities and foreigners, courts established the Comprehensive Judicial Assistance Center in courts, where a judicial assistant officer is allocated to provide professional, effective support for persons with disabilities. Once persons with disabilities visit the center, they can have access to all forms of judicial assistance as a one-stop service, including physical and institutional support.

59. The police force also takes practical measures to assure access to justice for persons with disabilities. In April 2014, the National Police Agency distributed to police stations nationwide a checklist concerning matters to be attended to during investigation on persons with disabilities by disability type at each phase of an investigation (e.g., arrest, detention, summoning, testifying, and interrogation).

Liberty and security of the person (art. 14)

Reply to the issues raised in paragraph 14 of the list of issues

60. The Mental Health Act was renamed as the Mental Health Promotion Act. The paradigm of the Act also changed from mental health mainly for persons with severe mental illness to the promotion of mental health of all citizens.

61. The Act considerably reduced the scope of 'persons with mental illness' to people with severe mental illness requiring admission to a hospital to ensure that persons with minor mental illness are not subjected to social discrimination. It also contains legal grounds to provide mental health services for the general public.

62. The Act strengthened requisites for involuntary hospitalization to improve the involuntary admission and discharge system and protect the human rights of persons with mental illness. Even though a person has a disease requiring hospitalization and a person's admission to a hospital is needed for the sake of the person's health or safety or others' safety, involuntary admission is allowed only in extremely exceptional cases.

63. The first evaluation cycle for the release from a hospital was shortened from six months to two months. In a bid to make the evaluation more objective, members have been added to the Mental Health Promotion Deliberative Committee, an evaluating entity, including people with different backgrounds such as those who have overcome mental illnesses, human rights experts, and mental health specialists, along with health care providers and judicial officers.

64. To ensure that persons with mental illness discharged from the hospital effectively rehabilitate and smoothly adapt to society and to lower their re-admission rate, the Act mandates that the heads of local governments set plans to arrange for residential facilities

for them after their discharge and that the heads of mental health promotion centers or the heads of public health clinics formulate support plans.

65. According to the existing Act, persons with mental illness could be admitted to a hospital only based on the diagnosis of a psychiatrist, with the exception of emergency hospitalization. However, the bill to amend the Act tightened regulations for hospitalization by requiring a psychiatrist's "face-to-face diagnosis" for the hospitalization of persons with mental illness.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 15 of the list of issues

66. Article 44 of the Mental Health Act stipulates that when mentally ill persons require special treatments including electronic shock therapy, insulin lethargy therapy, hypnosis under anesthesia therapy, psychiatric surgery, the surgical removal of a part of the body to relieve the symptoms of mental illness, and aversive stimulation therapy to correct the symptoms of mental illness, such special treatments shall be decided upon by a consultative council organized by the mental health institute that needs to administer those medical practice, provided that the council is required to provide necessary information thereon to the mentally ill person concerned or a person responsible for providing protection and to obtain the person's consent.

67. The Act also prescribes that the consent of the mentally ill person concerned or a person responsible for providing protection is to be obtained in writing, and any decision on special medical treatments made by the consultative council organized by the mental health institute concerned shall be forthwith notified to the mentally ill person concerned or a person responsible for providing protection.

68. The Mental Health Act was wholly amended to the Mental Health Promotion Act to further strengthen requirements for special medical treatment by mandating that in principle, the consent of the mentally ill person concerned be obtained and that the consent of a person responsible for providing protection be required only if the mentally ill person concerned is incapable of expressing his/her opinions.

69. Please refer to the answer to paragraph 12 for the amendment of the Civil Act, which respects the opinions and remaining capacity of persons with disabilities, and the information on the Adult Guardianship System.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issues raised in paragraph 16 of the list of issues

70. The NHRC is responsible for advocating the rights of persons with disabilities pursuant to the ARPDA and the National Human Rights Commission Act. The NHRC is authorized to investigate the cases of infringed human rights of and discrimination against persons with disabilities, access and visit facilities for persons with disabilities for investigation, and provide corrective recommendations and mediation services.

71. The State and local governments are running the Center for Prevention of Human Rights Infringement for Persons with Disabilities. The Center operates a hotline to provide persons with disabilities with counseling services concerning human rights issues. In the event of the infringement on human rights of persons with disabilities (e.g., abuse), the

Center connects victims to legal assistance services as well as temporary shelters and conducts on-site investigations.

72. When the elderly with disabilities and children with disabilities are exposed to violence or abuse, they are protected by protection facilities established exclusively for the elderly or children. There are 25 protection facilities for the elderly and 46 for children nationwide.

73. In accordance with Article 9 of the Sexual Violence Prevention and Victims Protection Act, if the heads and personnel of facilities that protect, educate, or medically treat minors under the age of 19 are aware that a minor under their protection and support has been exposed to sexual violence, they are obliged to report such facts. Moreover, the Act on the Protection of Children and Juveniles from Sexual Abuse mandates the heads and personnel of schools, medical institutions, and welfare facilities for children and juveniles to report any sexual crime against children and juveniles. The Act also requires those responsible for reporting to annually receive education on their duties to prevent and report sexual crimes.

74. Although they have been afflicted with violence and abuse, children under the age of 13 and persons with disabilities might have difficulties with making an accurate statement about the incident during police investigations. In order to tackle such challenges, the Korean Government introduced the statement assistant system in 2013 through which statement assistants help persons with disabilities communicate their statements. This system was first stipulated by the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes in 2013 and then expanded to be utilized by the victims of child abuse in 2014 when the Act on Special Cases concerning the Punishment, etc. of Child Abuse also sets out provisions concerning the statement assistant system.

Reply to the issues raised in paragraph 17 of the list of issues

75. Since July 2009, where women, girls and persons with disabilities are victims in cases of sexual violence and abuse, sentencing guidelines to apply additional punishment have been enforced pursuant to Article 6 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes that addresses rape, quasi-rape, and sexual molestation against persons with disabilities and Article 8 of the Act on the Protection of Children and Juveniles from Sexual Abuse that prescribes the cases of illicit sex with children with disabilities or juveniles with disabilities.

76. In accordance with the Sexual Violence Prevention and Victims Protection Act and the Act on the Prevention of Domestic Violence and Protection, etc. of Victims, elementary, middle, and high schools, child-care facilities, and kindergartens are mandated to provide education programs to prevent sexual and domestic violence. In 2013, the institutions obliged to provide sexual violence prevention education were expanded to include the State and local governments. The Government also provides education on the human rights of children with disabilities and juveniles with disabilities to be protected from all types of sex offenses.

77. The Government has established 22 counseling centers and seven protection facilities that specialize in dealing with sexual violence against persons with disabilities to directly provide women with disabilities who are victims of sexual violence with counseling, medical and legal services, investigation support, accommodations, medical treatment, self-help support, and other necessary services or to connect them with other support institutions. For the victims of domestic violence, two counseling centers and three protection facilities render various services including counseling, protection, accompanying them during investigation and court testimony, provision of legal advice, and education on self-help and self-support.

78. To prevent sexual violence against students with disabilities, the Government ensured the participation of law enforcement officials in the Permanent Monitoring Group of the Special Education Support Center under the Education Office, thereby increasing the effectiveness of the system. In 2013, 190 permanent monitoring groups were set up to prevent human rights abuse and sexual violence against students with disabilities. They monitor special schools and special classes within ordinary schools once a month. High-risk students with disabilities are separately managed by police officers and receive counseling and protection services. In 2013, the Council Against Sexual Violence was formed by police stations and disability organizations in each region to take region-specific countermeasures to eradicate sexual violence against persons with disabilities.

Protecting the integrity of the person (art. 17)

Reply to the issues raised in paragraph 18 of the list of issues

79. When the Mother and Child Health Act came into force in 1973, the Government established a system to issue an order for the forced sterilization of patients with genetic schizophrenia, genetic manic-depressive insanity, genetic amentia, genetic motor neuron diseases, hemophilia, and genetic mental disabilities that were believed to have remarkable criminal tendencies.

80. The provisions concerning the system were deleted from the Mother and Child Health Act in 1999 due to a controversy over its infringement of human rights. Currently, forced sterilization or forced abortion are not allowed whatsoever.

81. According to the Criminal Act, any individual who forces an abortion without the consent of the mother of the fetus is punished by imprisonment for not more than ten years, and a doctor who illegally administers such forced abortion is subject to the suspension of qualifications for not more than seven years.

Liberty of movement and nationality (art. 18)

Reply to the issues raised in paragraph 19 of the list of issues

82. Article 11 of the Immigration Control Act allows the Minister of Justice to deny the entry of foreigners, who may infringe upon the safety or interests of the Republic of Korea, at the request of relevant ministries. Such provisions on the banning of entry are universally enforced in almost all countries.

83. One of the types of foreigners banned from entering the country by the Korean Government is foreigners with mental disabilities who are void of the capacity to make decisions on their own and have no person to assist their sojourn in the Republic of Korea. However, this provision is only intended to have their guardian, people who invite them, or their relatives guarantee the safety of persons with mental disabilities concerned as well as others during their stay in Korea.

84. As such, the Government has no intention to abolish the provision that secures the safety of persons with mental disabilities. However, the Government will ensure that this provision be applied with tough conditions and processes lest persons with disabilities suffer disadvantages due to their disability. Thus far, no case has been reported in which foreigners are denied entry into Korea due to their disabilities.

85. Article 32-2 (2) of the Act on Welfare of Persons with Disabilities does not deny the provision of services to all immigrants with disabilities. Foreigners who have acquired

nationality receive the same benefits as ethnic Korean nationals, and even foreigners who have not acquired nationality are allowed to register to receive some of the services.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 20 of the list of issues

86. Deinstitutionalization is intended to help persons with disabilities integrate into their community of their own accord rather than protecting them by admitting them into a separate, restricted residential facility against their will.

87. To this end, the State and local governments have been rendering services such as peer counseling, advocacy of rights, and technical training for independent living through the Independent Living Centers since 2005. Personal assistant service, in particular, helps persons with severe disabilities participate in social activities.

88. If persons with disabilities desire to be discharged from facilities, they are provided with training programs on independent living at experience homes within about 200 facilities nationwide. The Independent Living Center within a region helps persons with disabilities be discharged from facilities through case management by providing them with information on independent living, support for employment and self-help, housing renovation, and personal assistance service.

89. In an effort to support the deinstitutionalization of persons with disabilities, the Government will increase the number of Independent Living Centers from the current 56 to 75 in five years. To help persons with disabilities staying at facilities live independently, the Government will also increase the number of experience homes within residential facilities, which is 204 at present, by more than ten every year.

90. Meanwhile, work activity and vocational rehabilitation programs offered by residential facilities for persons with disabilities are increasingly handed over to vocational rehabilitation facilities in line with the concept of deinstitutionalization. In a bid to promote the separation between residential facilities and vocational rehabilitation facilities, central and local governments subsidize the rental fees for vocational rehabilitation facilities that plan to separate from residential facilities, and provide support for construction, renovation, and equipment reinforcement preferentially for vocational rehabilitation facilities that have separated from residential facilities.

Reply to the issues raised in paragraph 21 of the list of issues

91. In April 2007, the Government launched the Personal Assistant Service (PAS) Program to assist persons with Grade 1 disabilities to carry out daily activities or social functions. With the enactment of the Act on Activity Assistance Services for Persons with Disabilities in January 2011, the Activity-Support Program was introduced to replace the PAS program, and the scope of the existing personal assistance services was expanded to include visiting bathing services and visiting nursing services. Furthermore, activity-support eligibility has been gradually extended and the amount of activity-support allowances has increased as well. As a result, the number of activity-support allowances recipients has shown a steady increase from 46,621 in 2011 to 50,520 in 2012 and 60,435 in 2013.

92. More specifically with respect to activity-support allowances, when the Activity-Support Program was first launched in 2011, activity-support allowances were offered only to persons with Grade 1 disabilities. But, in January 2013, the eligibility scope was broadened to cover up to those with Grade 2 disabilities. Moreover, the Government plans to phase out the current minimum disability rating thresholds starting from 2015.

93. Also the Government has gradually increased the upper limit (the amount of personal assistance hours) of activity-support allowances. The upper limit to the amount of allowances a person can receive is calculated by adding a base amount, which is determined according to the assessed degree of the individual's physical or mental disabilities and the level of assistance needed accordingly, and the amount of supplement additionally offered depending on his or her income and other living conditions. In 2012, the amount of personal assistance hours was capped at 183 hours per month, but it has more than doubled since 2013 to 391 hours a month, enabling recipients to further engage in life activities independently.

94. In addition to the Activity-Support services delivered by the Ministry of Health and Welfare, some local governments offer their own additional assistance program with their own funding, where they provide the most severely disabled individuals with allowances for up to 24 hours of personal assistance services per day, pursuant to Article 3 of the aforementioned Act. As of June 2014, 219 persons with disabilities living in Jeollanam-do, 11 Seoul districts and 9 municipalities in Gyeonggi-do enjoy the 24-hour a day services.

Personal mobility (art. 20)

Reply to the issues raised in paragraph 22 of the list of issues

95. In accordance with the Mobility Enhancement for the Mobility Impaired Act, the State and local governments establish and implement policies and initiatives that improve the convenience of transportation means and passenger facilities and the pedestrian environment in order to ensure a safe and convenient personal mobility for persons with disabilities. In particular, for the facilitation of the personal mobility of persons with disabilities, they provide mobility improvement facilities such as stop announcements, electronic signboards, and priority seats for the transportation disadvantaged in the means of transportation; pedestrian access roads and main entrances accessible and usable by persons with disabilities, and disability parking zones at passenger facilities. Also, the Government has increased its budget for the replacement of wheelchair lifts with elevators in urban rail stations to prevent wheelchair user incidents during transport and thereby ensure the safety of people with disabilities in wheelchairs.

96. As part of its endeavor for improved personal mobility of persons with disabilities, the State and local governments also ensure the convenience of mobility by offering various forms of assistance such as an assistant, an assistance dog, an electronic mobility aid, or a mobility vehicle for passengers with disabilities. In particular, the implementation of the Activity-Support Program in 2011 has enabled those with severe disabilities, Grade 1 or 2, to enjoy participating in the activities of daily life and social life in the areas of medical treatment, education, work, and culture. Also, 156 mobility service centers are in operation across the nation for people with mobility disabilities, allowing for greater mobility and independence.

Freedom of expression and opinion, and access to information (art. 21)

Reply to the issues raised in paragraph 23 of the list of issues

97. In late 2013, the nation saw the first sign language bill presented in the National Assembly aimed to declare Korean Sign Language as an official language and promoting its use in everyday life. The key provisions of the bill includes declaring Korean Sign Language as an official language of persons with hearing disabilities and stipulating matters relating to education using the sign language and the installation of sign language interpreting service centers, etc.

98. In addition, a bill for a provision about Braille is currently before the National Assembly with the primary aim to eliminate disadvantages faced by the people with visual disabilities in the areas of education, employment, culture, and everyday life due to the absence of Braille support. Its key provisions include: declaring Braille as an official language of South Korea; requiring the State and local governments to establish and implement policies necessary to enable persons with visual disabilities to access and use information by using Braille; and introducing Braille Day.

99. For the promotion and protection of the right of access to broadcast media of persons who have visual, hearing, or learning disabilities, all Korean broadcasting companies offer closed captioning, sign language interpretation, and screen reader services for their broadcasting content from December 2013. Also, broadcast receivers are handed out to persons with disabilities, guaranteeing them the right of access to broadcast media on an equal basis with people without disabilities.

Respect for home and the family (art. 23)

Reply to the issues raised in paragraph 24 of the list of issues

100. Basically, the Korean Government does not legally allow putting children into child welfare facilities on the grounds of their own or their parent's disabilities. However, in certain cases where parents or guardians are not willing or able to provide appropriate child care as in the case of orphans or neglected children, those separated voluntarily or inadvertently from parents or guardians, or those abused by them, the Child Welfare Act requires the head of the local government who has jurisdiction over such children to put them into child welfare institutions, place them in foster care, or take other measures for their protection. The law also requires that, in taking such protective measures, the head of the appropriate local government respect the children's opinions or their parents' opinions if their parents are taking care of them. As of December 2012, there are 770 child-care institutions and group homes in Korea, in which 18,354 children are placed.

101. Also, in accordance with article 37 of the Welfare of Disabled Persons Act, the Government provides women with disabilities home-visiting care services during pregnancy, childbirth and beyond, protecting and promoting the health of pregnant women, new moms, and their infants. Furthermore, the Anti-Discrimination against and Remedies for Persons with Disabilities Act ensures that no person with disabilities shall be forced to enter into an unfavorable settlement in relation to custodial rights, parental authority, and visitation rights, nor be deprived of or restricted from such rights based on a disability.

102. In accordance with the Act on the Support of Welfare of Children with Disabilities, the Korean Government provides families which care for children with disabilities with support and services like counseling, education, and training to help them develop adequate parenting skills, and also provides child care and respite services to ease their burden of care and help them participate in society.

103. Furthermore, in order to improve the child rearing conditions and livelihoods of households which care for children with disabilities, the Government provides the Disabled Child Allowance according to articles 50 and 51 of the Welfare of Disabled Persons Act. This financial assistance is offered to households that care for children with disabilities aged less than 18 at home and live below or just above the nation's minimum cost of living.

Education (art. 24)

Reply to the issues raised in paragraph 25 of the list of issues

104. According to Article 2 of the Act on Special Education for Persons with Disabilities inclusive education is defined as the provision of tailored education services to persons with special educational needs along with their peers without disabilities in regular school settings without discrimination for their type and degree of disability.

105. Inclusive education offered for students with disabilities largely consists of the following two types: they are educated alongside their peers without disabilities in the regular classroom for the entire day; or they take part-time special classes customized to their type or degree of disability in a special classroom and join the regular classes for the rest of the day. The hours of special education classes a student with disabilities will receive is determined according to his or her type and degree of disability and the resulting need for special education services.

106. Special education classrooms in a regular school should be understood as classrooms that provide students with special education needs behavior intervention, personalized instruction, and school counseling and guidance to further their integration with their peers in general education settings.

107. With a view to expanding the opportunities of higher education for persons with disabilities, the Government has implemented the Special College Admission System for Persons with Disabilities since 1995. As of 2013, 834 students at 122 schools were admitted to colleges under the system, and the number of college entrants with disabilities in 2013 has increased seven fold than the number in 1995. According to articles 30 and 31 of the Act on Special Education for Persons with Disabilities, colleges with 10 or more students with disabilities are required to have in place a center for disability support services, and to provide these students with assistants or assistive technologies and devices using funding from the State and local governments to ensure equal access to classes and campus life. Also, according to articles 33 and 34 of the above-mentioned Act, colleges may offer lifelong learning programs for persons with disabilities to provide them with equal access to lifelong education opportunities.

108. As of now, the Government is running 559 lifelong learning programs at 213 educational institutions such as lifelong learning institutes, special schools, and special education support centers for the promotion of lifelong learning for those with disabilities. It also plans to examine the current practices of such lifelong educational institutions and conduct a related study. Based on the findings it will gradually expand lifelong learning opportunities for adults with disabilities.

109. With a view to strengthen the foundation of compulsory education from kindergartens to primary and secondary schools and ensure the right to education of students with disabilities and adequate educational resources for them, the Government has worked to support their unique educational needs by way of securing as many as 17,446 special education teachers in 2013, thereby reducing the number of students with disabilities per teacher gradually and expanding the pool of personal assistants who assist students with disabilities during classes. At the same time, in an effort to help general education teachers develop a more professional knowledge of challenges these students face and ways to help and educate them, the Government has required universities fostering general education teachers to have mandatory special education courses in their curricula since 2009.

110. With the enforcement of the Anti-Discrimination against and Remedies for Persons with Disabilities which aims to improve educational access for students with disabilities, the Government has required schools to provide reasonable accommodations to students

with disabilities and has been endeavoring to increase amenities and support services for their convenience at school.

Health (art. 25)

Reply to the issues raised in paragraph 26 of the list of issues

111. Please refer to the answers to issues 12 and 15 above.

Work and employment (art. 27)

Reply to the issues raised in paragraph 27 of the list of issues

112. In Korea, the minimum wage is uniformly applied to all employees, regardless of disability, except for very rare circumstances. The exemption is allowed only when its necessity is proven by the findings of a work assessment on a worker with disabilities.

113. The Minimum Wage Act entered into force on 1 January 1988, and it aims to ensure livelihood security and induce an improvement in the quality of the work force by way of guaranteeing a minimum wage level. This Act applies to all businesses and employers.

114. The minimum wage is determined by the Minister of Employment and Labor after deliberation of and resolution by the Minimum Wage Council which consists of representatives of employees, employers, and those representing the public interests. Factors to be considered when calculating the minimum wage are the cost of living of workers, the wage of a comparable worker, labor productivity and the ratio of income distribution. Employers who pay an employee less than the minimum wage are subject to a fine or imprisonment, while those who fail to inform employees of the adjusted minimum wage rate and its effective date are punished by a penalty.

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 28 of the list of issues

115. Having been enacted to specifically guarantee the constitutional right to an adequate standard of living, the National Basic Living Security Act provides for a public assistance program, under which the Government offers financial assistance to low-income individuals and families to help them meet basic needs and empower them to achieve economic self-reliance. Under the program, people with disabilities are treated more favorably than people without disabilities; for example, for people with disabilities, a certain portion of benefits received from other sources of assistance is subtracted from the income when determining eligibility.

116. The Act defines beneficiaries of the program as any individuals who have a combined income and property wealth that is below the nation's minimum cost of living, whether they be those who are unable to earn income to support their dependents (such as a parent, child, son/daughter-in-law) or those who are unable to support themselves and have no one to rely on for financial support, regardless of whether or not they are disabled. The program pays them the difference between their income and property wealth and the minimum living costs for their household size as basic living security allowance.

117. The Basic Living Security Program applies less rigorous eligibility criteria to individuals with disabilities to ensure their comprehensive protection. One of the main criteria for eligibility is whether or not the earning capacity of the primary income earner is sufficient to support his or her dependents. A more lenient income rule applies to

households which care for persons with disabilities. For example, in 2014, the four-member household income limit is KRW 2.9 million, while the upper income limit for a four-member household with one or more persons with disabilities is KRW 4.13 million.

118. Given that households which care for persons with disabilities spend more on necessities than similar households where no members have disabilities, disability payments from the Disability Pension System and Disability (Disabled Child) Allowance are not counted toward household income, allowing those households to receive that amount of additional assistance. Furthermore, 30 per cent to 50 per cent of disabled wage earners' earnings are not counted as income, which encourages people with disabilities to join the labor force. More specifically, when persons with disabilities work at vocational rehabilitation facilities, only 50 per cent of the income earned is counted toward income, and 30 per cent of their wages and salaries from other employers or self-employment earnings is excluded from income.

119. The Disability Pension System, one of the public assistance programs for people with disabilities, has steadily expanded the eligibility criteria and raised its benefit rates. For instance, in May 2014, the Disability Pension Act was amended to the effect that the qualifying income range was expanded to the bottom 70 per cent of the population with severe disabilities and the pension base amount was adjusted up to KRW 200,000 to better compensate for significant losses in earnings suffered due to disability.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 29 of the list of issues

120. Under articles 18 and 19 of the Public Official Election Act, a person judged mentally incompetent by a court is not entitled to voting or nomination for any elected official post. This restriction was introduced under the consideration that the exercise of the right to vote and right to run for elected office constitutes a legal act and that it is thus reasonable to disqualify those who are legally incompetent from voting and running for public positions.

121. However, with the 7 March 2011 revision to the Civil Act, the legal provision for mental incompetency was removed and replaced with the new legal concept of the "Adult Guardianship System," leaving the need to amend the "mental incompetency" provision of articles 18 and 19 of the Public Official Election Act accordingly.

122. The Korean Government in this context is considering several measures to fill the void left by the abolition of the mental incompetency provision. One of the measures under consideration is to disallow individuals deemed by a family court to be suffering from severe physical or mental incompetency from voting and running for elected office. Another option is to place no restrictions on those rights of adults with impairments and requiring a guardian.

Reply to the issues raised in paragraph 30 of the list of issues

123. As part of its efforts to increase employment opportunities for people with disabilities in the public sector, the Government introduced a disability hire quota in 1989 in the nation's civil service examination for grade 9 positions, the lowest-ranking government positions, and in 1996 it expanded the quota to civil service examination for grades 9, 8, 7 positions. It also launched an experienced hire program in 2008 to promote the employment of persons with severe disabilities in public positions. Under the program, applicants with severe disabilities are hired based on their work experience, not through the civil service examination. In 2009, it raised the disability hire quota to 3 per cent.

124. In order to better meet the unique needs of applicants with disabilities taking tests for public positions, the Government provides testing accommodations for them, such as enlarged font examination materials, assistive technological devices, additional time allowance (up to 70 per cent more time). Furthermore, the Government plans to offer extended capacity assessment time for high-level public positions of Grade 4 and higher, exam assistants like readers or writers, personal assistants, examination materials in a modified format, and assistive technological devices starting from 2015.

125. To ensure disability-friendly working conditions for civil servants with disabilities, the Government allows them to choose the location of their workplace with consideration of their mobility, their location of regular medical treatment, and their commuting distance. It is also made sure that any decision to transfer a civil officer with disabilities to other municipalities or regions should be made only after taking that person's opinion into consideration as much as possible.

C. Specific obligations

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 31 of the list of issues

126. The nation's statistical data is collected in a decentralized matter: Statistics Korea, the national statistical office, generates general statistics including the Population and Housing Census, the Economically Active Population Survey, and the Social Survey, whereas statistics needed for the Government's function in the areas of welfare, labor, culture, etc. are compiled by the respective government ministries and agencies.

127. As of now, Statistics Korea produces 58 types of national statistical data, while 41 government ministries and agencies, including the Ministry of Health and Welfare and the Ministry of Employment and Labor, 216 local governments, and 86 public institutions like the Bank of Korea generate 280 types, 416 types, and 167 types of statistical data, respectively, under the mandate of the Government.

128. In conducting the Population and Housing Census, the Social Survey, and the Survey of Household Finances and Living Conditions, Statistics Korea makes sure that disability statistics are collected in national censuses and surveys so that such statistical data are disaggregated by disability. Other ministries and agencies compiling statistics also include disability statistics in their surveys.

129. In particular, these ministries and agencies conduct disability-specific surveys such as the Survey on the Status of Persons with Disabilities and the Survey on the Practices of Special Education and use the findings for the development, implementation, and monitoring of disability policies. In the meantime, in general statistical surveys for which the number of persons with disabilities and other national-level data are necessary, all relevant information is compiled via the Integrated Social Welfare Database, an online database which administers the registration of persons with disabilities, the assessment of disability rating, and the provision of welfare services for persons with disabilities.

130. In accordance with the Roadmap for the Implementation of Incheon Strategy, the Korean Government has to establish a reliable baseline disability database for 62 indicators by 2017. To this end, the Government will take measures to disaggregate the non-disaggregated statistical data by disability.

131. Pursuant to Article 31 of the Welfare of Disabled Persons Act, the Government conducts a study to examine the status of persons with disabilities every three years, and

pursuant to Article 32 of the aforementioned Act it is required to register persons with disabilities and issue disability ID cards to them.

132. The Government also has established and implemented the National Policy Program on Disability. To monitor the implementation of the Program, the Government uses specific targets or indicators to measure the progress towards the goals of the Program. The most recent Fourth National Policy Program on Disability (2013-2017) addresses four areas, 19 priorities, 71 tasks, and indicators or targets specific to each of the tasks have been developed to track progress effectively.

International cooperation (art. 32)

Reply to the issues raised in paragraph 32 of the list of issues

133. In order to support the successful implementation of the Incheon Strategy, an action plan declared at the High-level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012, held in Incheon, Korea, from 29 October to 2 November 2012, the Government pledged to establish the national Make the Right Real Fund ("MRR Fund").

134. Since 2013, the Government has spent KRW 300 million in support of the implementation of the Incheon Strategy. Among other things, it has also (i) supported the establishment of an ESCAP baseline database that will be used for identifying shortcomings and tracking progress in the implementation of the Incheon Strategy as well as for future reporting, (ii) supported the hosting of the first session of the Working Group, which adopted the draft road map for the implementation of the Incheon Strategy, and (iii) invited students and faculty and staff members with disabilities of Delhi University as part of its efforts to support the empowerment of persons with disabilities in the Asia-Pacific region.

135. The Government is also conducting a feasibility study for a new international cooperation project on persons with disabilities living in Asian and Pacific developing countries. Once the study is completed, the Government will select target countries and set specific goals based on the study findings to further the implementation of the Incheon Strategy. It is also considering a gradually increase of its funding for the implementation of the Incheon Strategy.

136. In order to establish the legal framework for implementing Official Development Assistance programs and activities in a way that would promote disability-inclusive development, the Government revised the Framework Act on International Development Cooperation, the legislation that prescribes the overarching goals, principles, and strategies of the Government's international development assistance initiatives, to include persons with disabilities as a cross-cutting issue together with gender discrimination and child protection.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 33 of the list of issues

137. According to the basic organizational structure of the Government, the Bureau of Policy for Persons with Disabilities takes charge of the overall implementation of the Convention in Korea, working directly under the Ministry of Health and Welfare. Every five years, the Bureau establishes and implements the five-year National Disability Plan for the promotion of the rights of and welfare for persons with disabilities.

138. The Government also has the Policy Coordination Committee for Persons with Disabilities in place to formulate basic policy on persons with disabilities, coordinate with appropriate governmental agencies, and monitor the implementation of the policy. The Committee is composed of a chair, a vice chair, and other members. The chair and vice chair positions are held by the Prime Minister and the Minister of Health and Welfare, respectively, while member positions are held by the heads of appropriate government bodies, the representatives of disability organizations, and disability experts.

139. For the effective implementation of the Convention, the NHRC of Korea will be involved in certain aspects of the management of the Policy Coordination Committee for Persons with Disabilities and provide the Committee with advice or comments on the realization of the Convention in Korea. The Committee is made up partly of the heads of appropriate government agencies and partly of representatives of non-governmental disability organizations (more than half are persons with disabilities), guaranteeing the active participation of persons with disabilities in its disability-related legislation and oversight process.

Reply to the issues raised in paragraph 34 of the list of issues

140. The Government establishes overall policy on persons with disabilities, coordinates with appropriate government agencies, and supervises and evaluates the implementation of the policy through the Policy Coordination Committee for Persons with Disabilities created under the Welfare of Disabled Persons Act. It also subsidizes disability organizations, empowering them to push forward with various initiatives and contributing to the improvement of the welfare for persons with disabilities. In order to collect the opinions of persons with disabilities and encourage their participation for the effective implementation of the Incheon Strategy, the Government formed the "Steering Committee of International Cooperation for Incheon Strategy" and held Steering Committee meetings twice in 2013 and once in 2014.

141. The Government includes persons with disabilities and their representative organizations in the implementation and monitoring of legislation and policies adopted to fulfill the Convention. In the case of the NHRC of Korea, which serves as a primary mechanism to monitor the implementation of the Convention, one of its four three-year term standing commissioners must be a person with disabilities to better ensure that persons with disabilities are fully engaged in the monitoring process. The Commission also has persons with disabilities and their representative organizations participate in its advisory committees, the Special Committee against Disability Discrimination, and the Special Committee on the Human Rights of the Mentally Ill. These advisory committees research issues of the human rights of people with disabilities and make recommendations to the Commission thereon.

142. The Government also engages persons with disabilities and their representative organizations in the decision-making and implementation of policies on disability. For example, the Government has included them, especially their national umbrella organizations, in the process of formulating the specific provisions of disability legislation and in making decisions on important disability policies. One example of the latter is the nation-wide participation of such national umbrella organizations in the Steering Committee for the Overhaul of the Comprehensive Disability Determination System. The Steering Committee is responsible for developing a comprehensive disability determination tool in place of the disability rating scale system to better determine the service needs of persons with disabilities.

Annex

Table 1
Complaints Received by Area of Discrimination (Apr. 11, 2008-Dec. 31, 2013)
(Units : number of cases, %)

Category		Total	Employment	Education	Provision and use of goods and services									
					Total	Goods & services	Insurance/ Finance	Facilities	Transportation	Access to information/ communication	Culture/Art Physical activities	Judicial/ Administrative suffrage	Harassment etc.	Others
Total	Number of cases	**6,540**	413	368	**4,030**	1,009	483	881	436	947	274	379	842	508
	Proportion	**100.0**	6.3	5.6	**61.6**	15.4	7.4	13.5	6.7	14.5	4.2	5.8	12.9	7.8
2008 (Apr. -Dec.)	Number of cases	**585**	41	61	**347**	37	49	78	128	35	20	55	42	39
	Proportion	**100.0**	7.0	10.4	**59.3**	6.3	8.4	13.3	21.9	6.0	3.4	9.4	7.2	6.7
2009	Number of cases	**725**	69	49	**412**	153	91	93	49	13	13	42	105	48
	Proportion	**100.0**	9.5	6.8	**56.8**	21.1	12.5	12.8	6.8	1.8	1.8	5.8	14.5	6.6
2010	Number of cases	**1,695**	82	55	**1,269**	296	65	263	103	506	36	39	176	74
	Proportion	**100.0**	4.8	3.2	**74.9**	17.5	3.8	15.5	6.1	29.9	2.1	2.3	10.4	4.4
2011	Number of cases	**886**	64	62	**487**	179	70	67	67	45	59	80	105	88
	Proportion	**100.0**	7.2	7.0	**55.0**	20.2	7.9	7.6	7.6	5.1	6.6	9.0	11.9	9.9
2012	Number of cases	**1,340**	82	96	**808**	188	153	252	40	42	133	93	111	150
	Proportion	**100.0**	6.1	7.2	**60.3**	14.0	11.4	18.8	3.0	3.1	9.9	6.9	8.3	11.2
2013	Number of cases	**1,309**	75	45	**707**	156	55	128	49	306	13	70	303	109
	Proportion	**100.0**	5.7	3.4	**54.0**	11.9	4.2	9.8	3.7	23.4	1.0	5.3	23.1	8.3

Table 2

Number of Complaints Processed (Apr. 11, 2008-Dec. 31, 2013)

(Unit : number of cases, %)

Number of Processed Cases		*Total*	*Sub-total*	*Recommendations*	*Mediation*	*Settlement by compromise*	*Solved during investigation*	*Dismissed*	*Rejected (Withdrawn)*	*Investigation suspended*	*Transferred*
Total	6,187										
		3,191	2,268	319	1	245	1,703	923	2,956 (1,903)	13	27
Proportion	100.0		100.0	14.1	0.0	10.8	75.1				
		100.0					71.1	28.9			
								51.6	47.8	0.2	0.4
2008	347								190		
		156	92	14	-	11	67	64	(116)	1	-
Proportion	100.0		100.0	15.2	-	12.0	72.8				
		100.0					59.0	41.0			
								45.0	54.8	0.3	-
2009	716								351		
		355	209	8	-	47	154	146	(236)	4	6
Proportion	100.0		100.0	3.8	-	22.5	73.7				
		100.0					58.9	41.1			
								49.6	49.0	0.6	0.8
2010	1,101								663		
		417	262	28	1	56	177	155	(369)	6	15
Proportion	100.0		100.0	10.7	0.4	21.4	67.6				
		100.0					62.8	37.2			
								37.9	60.2	0.5	1.4
2011	952								381		
		566	361	124	-	32	205	205	(228)	1	4
Proportion	100.0		100.0	34.3	-	8.9	56.8				
		100.0					63.8	36.2			
								59.5	40.0	0.1	0.4
2012	1,508								616		
		890	701	116	-	20	565	189	(495)	1	1
Proportion	100.0		100.0	16.5	-	2.9	80.6				
		100.0					78.8	21.2			
								59.0	40.8	0.1	0.1
2013	1,563								735		
		807	643	29	-	79	535	164	(459)	-	1
Proportion	100.0		100.0	4.5	-	12.3	83.2				
		100.0					79.7	20.3			
								51.6	48.3	-	0.1